

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

21-CR-6072CJS

JESSE C. DEJOHN,

Defendant.

**STATEMENT OF THE GOVERNMENT WITH RESPECT
TO SENTENCING FACTORS**

PLEASE TAKE NOTICE, the government has fully reviewed the Pre-Sentence Investigation Report ("PSR") submitted by the United States Probation Department on or about August 20, 2021. The plea agreement differs from the Sentencing Guideline calculation in the Presentence Report in that the PSR included a 4-level enhancement for possession of sadistic or masochistic images Guideline 2G2.2(b)(4). Therefore, the Guideline calculation in the PSR is greater than the Guideline calculation in the plea agreement. Pursuant to United States v. Lawlor, 168 F.3d 633 (2d Cir. 1999), the Government is bound to advocate that the calculation set forth in the plea agreement is correct.

On June 30, 2021, the defendant entered a plea of guilty to Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2) (Possession of Child Pornography including Prepubescent Images). Based upon the plea of guilty, the defendant faces a maximum sentence of twenty (20) years imprisonment, a maximum fine of \$250,000, a mandatory \$100 special assessment, and a term of supervised release of five (5) years and up to life.

Pursuant to the plea agreement, the parties agreed that the recommended sentencing range is a period of imprisonment of 63-78 months. The government acknowledges the PSR calculates the sentencing range to be 97-121 months and that there is no overlapping range. The government is advocating for a sentence of imprisonment between 63 and 78 months.

Should the defendant present any letters of support or sentencing statement to the Court, the United States will move to strike the items from the record if this office is not provided with copies at least three (3) business days prior to sentencing.

The defendant is required to pay a \$100 special assessment pursuant to 18 U.S.C. §3013 at the time of sentencing. Additionally, the defendant is subject to the provisions of the Justice for Victims of Trafficking Act, which requires the Court to assess an amount of \$5,000 unless the defendant is deemed indigent. The defendant is also subject to the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018. At the time of this filing, there have been no restitution requests. Immediately after sentencing, the defendant must pay the amount due by personal check, cashier's check or certified funds to the United States District Court Clerk.

It is requested that the Court order that all financial obligations be due immediately. In the event the defendant lacks the ability to immediately pay the financial obligations in full, it is requested that the Court set a schedule for payment of the obligations.

In the event present counsel for the defendant will continue to represent the defendant after sentencing in regard to the collection of unpaid financial obligation(s), it is requested that a letter so advising be sent to:

Asset Recovery Division
U.S. Attorney's Office WDNY
138 Delaware Avenue
Buffalo, New York 14202

If a letter is not received within ten (10) days of sentencing, the defendant will be directly contacted regarding collection of the financial obligation(s).

DATED: September 16, 2021

JAMES P. KENNEDY, JR.
United States Attorney
Western District of New York

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Jessica L. Rider, USPO (*via hand delivery*)